



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Petent Application of

Confirmation No. 5027

IBA et al.

Atty. Ref.: 423-59

Appln. No. 09/800,520

T.C. / Art Unit: 1648

Filed: March 8, 2001

Examiner: G.G. Leffers, Jr.

For: PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE THERAPY

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April 27, 2005

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Your petitioner, Eisai Co. Ltd., a Japanese corporation having an office and place of business at 6-10, Koishikawa 4-chome, Bunkyo-ku Tokyo, Japan represents that it is the assignee as recorded in an assignment at Reel 10145/Frame 681 on January 5, 1999, of all right, title and interest in and to U.S. Application No. 09/800,520, filed March 8, 2001, entitled PROCESS FOR PREPARING RETROVIRUS VECTOR FOR GENE THERAPY.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,743,620 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to such patent granted on the above-identified application shall be the same as the legal

title to the aforementioned patent, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,743,620 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of his knowledge and belief, title is in the assignee seeking to take action.

Check either box 1 or 2 below, as appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. The undersigned is an attorney or agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Eisai Co. Ltd.

By: 

Date: 4/27/05

Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included. If missing, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.